

## AGENDA MEMO

**TO:** Mayor & City Commission

**AGENDA DATE:** 11/15/2010

**FROM:** Faith G. Miller, City Manager

**AGENDA ITEM:** 4 - A

**SUBJECT:** Approval of Minutes - Regular City Commission Meeting of November 1, 2010 and Special City Commission Meeting of November 8, 2010.

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**LOCATION:**

N/A

**BACKGROUND:**

N/A

**ORIGINATING  
DEPARTMENT:**

City Clerk's Office

**SOURCE OF FUNDS:**

N/A

**COST:**

N/A

**REVIEWED BY:**

City Clerk, City Manager

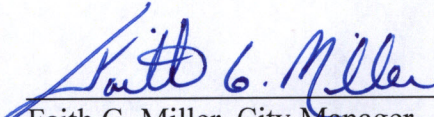
**STAFF  
RECOMMENDATION  
PRESENTED BY:**

City Clerk Joyce Kent - To approve the minutes of the Regular City Commission Meeting of November 1, 2010 and Special City Commission Meeting of November 8, 2010 as presented.

**POTENTIAL  
MOTION:**

"I move to approve the minutes of the Regular City Commission Meeting of November 1, 2010 and Special City Commission Meeting of November 8, 2010 as presented."

**AGENDA ITEM  
APPROVED BY:**

  
Faith G. Miller, City Manager

**ATTACHMENTS:**

- Minutes - November 1, 2010

**CITY OF DELTONA, FLORIDA  
REGULAR CITY COMMISSION MEETING  
MONDAY, NOVEMBER 1, 2010**

A Regular Meeting of the Deltona City Commission was held on Monday, November 1, 2010 at the City Hall Commission Chambers, 2345 Providence Boulevard, Deltona, Florida.

**1. CALL TO ORDER:**

The meeting was called to order at 6:30 p.m. by Mayor Mulder.

**2. ROLL CALL:**

Mayor	Dennis Mulder	Present
Vice Mayor	Michele McFall-Conte	Present
Commissioner	Michael Carmolingo	Present
Commissioner	Zenaida Denizac	Present
Commissioner	Janet Deyette	Present
Commissioner	Paul Treusch	Present
Commissioner	Herb Zischkau	Present
City Manager	Faith G. Miller	Present
City Attorney	Gary J. Cooney	Present
City Clerk	Joyce Kent	Present

Also present: Planning & Development Services Director Chris Bowley; Building & Zoning Services Director Cy Butts; Parks & Recreation Director Steve Moore; Public Works Director Glenn Whitcomb.

**3. SILENT INVOCATION AND PLEDGE TO THE FLAG:**

Mayor Mulder led the audience in the silent invocation and the Pledge of Allegiance to the Flag.

Deltona High School's First Men's Choir sang the National Anthem.

**4. APPROVAL OF MINUTES & AGENDA:**

**1. Regular City Commission Meeting – October 18, 2010.**

**Motion by Vice Mayor McFall-Conte, seconded by Commissioner Carmolingo to adopt the minutes of the Regular City Commission Meeting of October 18, 2010 as presented.**

**Motion carried with members voting as follows: Commissioner Carmolingo, For; Commissioner Denizac, For; Commissioner Deyette, For; Commissioner Treusch, For; Commissioner Zischkau, For; Vice Mayor McFall-Conte, For; and Mayor Mulder, For.**

**B. Additions or Deletions to Agenda:**

**Ms. Miller stated Commissioner Carmolingo has requested to add-on Item 10-F, Consideration**



1 **of appointment of one member (1) to the Planning and Zoning Advisory Board and the**  
2 **Commission concurred.**

3  
4 Commissioner Zischkau stated he proposes to add as Item 7-F on the Consent Agenda a motion to  
5 notice a meeting of the Commission at the Veteran Museum on Veterans Day Thursday, November  
6 11<sup>th</sup> at the eleventh hour. He stated that is the traditional day for commemorating the Armistice in  
7 World War I and he thought it would be good if Commissioners were free to go and to speak freely  
8 and noticing a meeting will allow the Commission to do so and to support whatever events the  
9 Veterans might be sponsoring there. He stated as long as the Deputy City Clerk is there to take the  
10 minutes properly the Commission will be free to speak among themselves as they would in any other  
11 meeting.

12  
13 Vice Mayor McFall-Conte stated the event does not need to be made into a City meeting, it is an  
14 event to honor the Veterans who have served the country and she does not see the need to notice a  
15 meeting and Commissioner Treusch agreed.

16  
17 Mr. Cooney stated if there are going to be two (2) or more Commissioners present and there is a  
18 chance that the Commissioners will be discussing issues that may or may not come before the  
19 Commission then it is always wise to err on the side of being conservative and notice the meeting and  
20 have minutes. If this is not a possibility then this event is like any other event and the Commissioners  
21 will need to govern themselves accordingly.

22  
23 Commissioner Carmolingo stated he attends a lot of events and he is proud of himself that he has  
24 never talked to another Commissioner about issues that may come before the Commission. He stated  
25 he would hate to ask the Deputy City Clerk to follow the Commissioners around to take minutes and  
26 he thinks the Commissioners are all quality people who know the rules and regulations.

27  
28 Mayor Mulder asked if any of the Commission wanted to notice a meeting and there was no support  
29 from the Commission.

30  
31 **5. PRESENTATIONS/AWARDS/REPORTS:**

32  
33 **A. Presentations – Superstar Students of the Month Certificates – October, 2010.**

34  
35 Mayor Mulder presented Superstar Students of the Month for October, 2010 to Kaley Martikainen,  
36 3rd grade at Discovery Elementary School; Winni Zhang, 4th grade at Pride Elementary School; Ben  
37 Hovis, 5th grade at Timbercrest Elementary School; Nadirah McKnight, 5th grade at Deltona Lakes  
38 Elementary School; Kashawn Tifre, 12th grade at Deltona High School; and Manny Alamo, 12th  
39 grade at Pine Ridge High School.

40  
41 **B. Presentations – Quarterly Board Reports of City Advisory Board/Committee.**

42  
43 **• Economic Development Advisory Board – Chairman Nick Conte.**

44  
45 Mr. Conte stated over the past quarter, the Deltona Economic Development Advisory Board  
46 (DEDAB) has had several distinguished guests including Commissioners Michael Carmolingo and  
47 Paul Treusch, Sam Goodwin from Team Volusia, John Kizer from Volusia County Economic

1 Development, and Steve Burley from Daytona State College; the Board has discussed ways of  
2 making Deltona more commercial-friendly by offering incentives, and the possibility of  
3 streamlining our permitting process; the Board discussed possibilities of increasing the amount of  
4 interaction with City staff, and other City Boards to ensure that all of the components have the  
5 same goals, direction, and vision in mind; the Board looks forward to reporting at the next  
6 quarterly report its progress toward meeting its goals for this current year; the Board hopes to have  
7 a joint meeting with the Planning and Zoning Advisory Board in the next quarter as well as  
8 meeting the incoming Commissioners and Mayor.

9  
10 • **Planning & Zoning Advisory Board – Written Report Only.**

11  
12 The Board had meetings on July 21, 2010, August 18, 2010 and September 15, 2010; the Board  
13 welcomed a new Board member, Eileen Gallagher; and the Board heard one (1) Final Site Plan,  
14 one (1) Variance, six (6) Ordinances, one (1) Conditional Use Permit, and there were four (4)  
15 discussion items which included the need for a variance in cases of emergency, such as house fires  
16 caused by lightning, thresholds for Ordinance No. 17-2010, a liaison between the Planning &  
17 Zoning Board and the Beautification Advisory Board, and Ordinance No. 09-2010, Moratorium on  
18 game rooms, internet cafes, etc.

19  
20 **D. Lead Certification Award at Lyonia Preserve.**

21  
22 Commissioner Deyette stated she had the privilege on Friday, October 29<sup>th</sup> of attending the Lead  
23 Certification Award ceremony at Deltona Regional Library and Lyonia Preserve. There are different  
24 levels of energy saving certification and the Deltona Regional Library received the Silver  
25 Certification. The savings already created are with electricity and other utilities which save the City  
26 and the County money on operating costs. She stated this is an excellent partnership with the County  
27 and she gave some background information on how the partnership came about. She stated the  
28 events at the amphitheatre have been full, the library has had 391,477 people pass through since its  
29 reopening and when she attended the Wildflower Festival in DeLand the one hand out that she kept  
30 running out of was the one on the Deltona Regional Library and amphitheatre.

31  
32 **C. Proclamation – Supporting the Florida Department of Transportation (FDOT) reThink**  
33 **Program.**

34  
35 Mayor Mulder read the Proclamation into the record declaring to become partners with the  
36 Florida Department of Transportation's reThink Program on November 1, 2010 and presented the  
37 proclamation to Karen Adamson.

38  
39 Karen Adamson stated the Department is excited to partner with the City of Deltona and the  
40 organization looks forward to providing the opportunity for the citizens of Deltona to find  
41 alternative modes of transportation.

42  
43 **6. PUBLIC FORUM – Citizen comments for items not on the agenda.**

44  
45 a) Barbara Willey, 1407 Section Line Trail, spoke regarding the Halloween Spooktacular Event and  
46 she suggested having recycle bins at the event in the future, the City's sign Ordinance and  
47 eliminating the amount of signs that were at the Deltona Regional Library during early voting.



b) Larry DeMatteo, 2501 Barry Drive, wished those Commissioners whose terms are over good luck.

Commissioner Zischkau left the meeting at 7:01 p.m.

**7. CONSENT AGENDA:**

Commissioner Denizac asked to pull Items 7-A and 7-E.

**Motion by Vice Mayor McFall-Conte, seconded by Commissioner Carmolingo to approve Consent Agenda Items 7-B through 7-D.**

**Motion carried with members voting as follows: Commissioner Carmolingo, For; Commissioner Denizac, For; Commissioner Deyette, For; Commissioner Treusch, For; Vice Mayor McFall-Conte, For; and Mayor Mulder, For.**

**A. Request for Selection of Code Enforcement Special Master.**

Commissioner Denizac stated she finds herself often voting against Attorney Charles Cino's recommendations, she feels he is too easy on banks and she is ready for a change.

**Motion by Commissioner Denizac, to hire Mary Sneed as the City's Special Magistrate.**

**Motion failed for lack of a second.**

**Motion by Vice Mayor McFall-Conte, seconded by Commissioner Deyette to appoint Charles Cino as the Special Magistrate at an hourly rate of \$175.00.**

Commissioner Treusch recommended that the salary remain the same at \$125.00.

Code Enforcement Director Dale Baker stated Mr. Cino has had two (2) other job offers and if the City does not offer him what he is asking he most likely will take another offer. Mr. Cino has not had a pay raise in 13 years nor has he asked for one. He stated the going rate is \$200 an hour and Mr. Cino is asking for \$175.

Commissioner Carmolingo stated he was on the Code Enforcement Board and the reason the City hired a Special Magistrate was because the residents of the City of Deltona were not in strong enough support of Code Enforcement. He stated to be fair to Mr. Cino about three (3) or four (4) months ago he stepped in when the City needed him, he made himself available to the City and helped the City in their time of need. He stated he thinks Mr. Cino is a friend of the City and even though a \$50 increase is a lot of money he thinks the City should try to keep him as the Special Magistrate.

Commissioner Deyette stated Mr. Cino has done an excellent job, he is familiar with the City's Ordinances and she thinks it is unreasonable not to give him the increase in salary.

**Motion carried with members voting as follows:**

Commissioner Carmolingo	For
Commissioner Denizac	Against
Commissioner Deyette	For
Commissioner Treusch	Against
Vice Mayor McFall-Conte	For
Mayor Mulder	For

**\*B. Request for Approval of Amendment to 2010-2011 Law Enforcement Services Agreement.**

**Approved by Consent Agenda – to authorize the Mayor and City Manager to execute the First Amendment to the Law Enforcement Services Agreement for Fiscal Year 2010-2011, in the amount of \$400,356.00.**

**\*C. Request for Fee Waiver – Deltona Civic Associations' Annual Holiday Parade – November 20, 2010.**

**Approved by Consent Agenda – that in accordance with Commission Policy #CC99-005, that the Commission grant the request by Barbara Willey on behalf of the Deltona Civic Association to waive the applicable fees and costs for the Holiday parade scheduled for November 20, 2010.**

**\*D. Request for approval of Sole Source Purchase of Tyler Content Manager.**

**Approved by Consent Agenda – to approve the Sole Source purchase of Tyler Content Manager from Tyler Technologies at a total cost of \$39,100.**

**E. Request for approval to Purchase Training Server from CBT Nuggets, LLC.**

Commissioner Denizac stated after reading through the agenda item in her opinion she thinks it is a lot of money for what it is going to accomplish. She asked if in-house training could be offered, how the expense can be justified, how the purchase of the equipment will help the citizens of Deltona and how the Information Technology Department will manage its duties if the Commission does not approve the agenda item.

Information Technology Manager Steve Narvaez stated the Dell Learning Center is a program provided by Dell which provides the City with Microsoft Office, Excel, Microsoft Word and different office skills, tutorials and classes. The initial purchase was comparable to this one and was over \$30,000 with a renewal cost of \$15,000 each year in recurring licensing fees. The product is out of date and staff has found a new product to replace it. If the City does not renew the Dell Learning Center it will lose all educational material that the City currently has. With the new product the City would own the content and the subscription for yearly updates is only \$7,000 per year which is a savings of \$8,000 a year. The new product is up to date and it offers technical courses which Dell did not offer. He stated the benefit to the City is keeping staff up to date, making sure equipment and platforms are current and offering staff the latest technology in learning right at their desktop.

**Motion by Vice Mayor McFall-Conte, seconded by Commissioner Treusch to approve the purchase of a trainer server from CBT Nuggets, LLC at a cost of \$30,014.00.**

**Motion carried with members voting as follows:**

<b>Commissioner Carmolingo</b>	<b>For</b>
<b>Commissioner Denizac</b>	<b>Against</b>
<b>Commissioner Deyette</b>	<b>For</b>
<b>Commissioner Treusch</b>	<b>For</b>
<b>Vice Mayor McFall-Conte</b>	<b>For</b>
<b>Mayor Mulder</b>	<b>For</b>

**8. ORDINANCES AND PUBLIC HEARINGS:**

**A. Public Hearing - Ordinance No. 13-2010, Proposing an Amendment to Section 110-808.05(d)4.a., Minimum Width, of the City's Code of Ordinances Regarding Landscape Buffer Widths, at second and final reading.**

The public hearing was opened and closed as there were no public comments.

**Motion by Commissioner Deyette, seconded by Commissioner Treusch to approve amending Section 110-808.05(d)4.a. of the City Code of Ordinances, at second and final reading.**

Mr. Cooney read the title of Ordinance No. 13-2010.

**AN ORDINANCE OF THE CITY OF DELTONA, FLORIDA, PERTAINING TO LANDSCAPE PERIMETER BUFFERS; REFORMATTING SECTION 110-808.05 OF THE LAND DEVELOPMENT CODE OF THE CITY OF DELTONA, FLORIDA; AMENDING AND REFORMATTING SECTION 110-808.05(d)4.a OF THE LAND DEVELOPMENT CODE OF THE CITY OF DELTONA, FLORIDA; ESTABLISHING A MINIMUM TWENTY-FIVE FOOT WIDE BUFFER ALONG THOROUGHFARES; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE.**

**Motion carried with members voting as follows: Commissioner Carmolingo, For; Commissioner Denizac, For; Commissioner Deyette, For; Commissioner Treusch, For; Vice Mayor McFall-Conte, For; and Mayor Mulder, For.**

Ordinance No. 13-2010 was adopted at second and final reading at 7:15 p.m.

**B. Resolution No. 2010-36, for the acquisition of the property located at 1024 Fort Smith Boulevard needed for the Fort Smith widening project.**

**Motion by Commissioner Deyette, seconded by Vice Mayor McFall-Conte to adopt Resolution No. 2010-36, authorizing the City Attorney to initiate condemnation proceedings on the parcel of land located at 1024 Fort Smith Boulevard, Deltona, Florida for the purpose of creating stormwater retention areas for the Fort Smith Boulevard widening project.**



1  
2 The public hearing was opened and closed as there were no public comments.  
3

4 Commissioner Denizac asked if staff has done everything legally to try to meet with the owners  
5 and try to enter into an agreement with them before taking the property. Mr. Cooney replied the  
6 City cannot go forward with this process without doing so. He stated staff has sent certified  
7 letters, an appraisal was done and a copy was sent to the owner and a letter explaining the process  
8 that was going to occur. He stated staff asked the owner to respond to the offer, the property is  
9 appraised at \$32,000, staff offered \$35,000 and the response that staff received was that the owner  
10 wanted \$50,000 plus attorney's fees. He stated at this stage staff needs to move forward with  
11 these properties, the next step is to draft a petition that will be filed with the court but, in the  
12 meantime staff will have the properties reappraised and then reach back out to the owner through  
13 their attorney to see if they want to reconsider the offer prior to staff filing anything.  
14

15 **A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF DELTONA,**  
16 **FLORIDA, PERTAINING TO AN EMINENT DOMAIN PROCEEDING; PROVIDING**  
17 **FOR THE PURPOSE FOR WHICH THE PROPERTY IS TO BE ACQUIRED;**  
18 **PROVIDING FOR THE PERFORMANCE OR OCCURRENCE OF ANY CONDITION**  
19 **PRECEDENT; PROVIDING FOR AN ACCURATE AND LEGAL DESCRIPTION OF**  
20 **THE PROPERTY TO BE ACQUIRED; PROVIDING FOR A DETERMINATION OF**  
21 **THE ESTATE OR INTEREST WHICH IS TO BE ACQUIRED; PROVIDING FOR A**  
22 **DETERMINATION AND FINDING THAT THE ACQUISITION OF THE PROPERTY IS**  
23 **NECESSARY FOR THE STATED PUBLIC PURPOSE; PROVIDING AN EFFECTIVE**  
24 **DATE.**

25  
26 Motion carried with members voting as follows: Commissioner Carmolingo, For;  
27 Commissioner Denizac, For; Commissioner Deyette, For; Commissioner Treusch, For; Vice  
28 Mayor McFall-Conte, For; and Mayor Mulder, For.  
29

30 **C. Resolution No. 2010-37, for the acquisition of the property located at 1901 Marlow**  
31 **Street needed for the Fort Smith Boulevard widening project.**  
32

33 The public hearing was opened and closed as there were no public comments.  
34

35 Motion by Vice Mayor McFall-Conte, seconded by Commissioner Deyette to adopt  
36 Resolution No. 2010-37, authorizing the City Attorney to initiate condemnation proceedings  
37 on the parcel of land located at 1901 Marlow Street, Deltona, Florida for the purpose of  
38 creating stormwater retention areas for the Fort Smith Boulevard widening project.  
39

40 **A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF DELTONA,**  
41 **FLORIDA, PERTAINING TO AN EMINENT DOMAIN PROCEEDING; PROVIDING**  
42 **FOR THE PURPOSE FOR WHICH THE PROPERTY IS TO BE ACQUIRED;**  
43 **PROVIDING FOR THE PERFORMANCE OR OCCURRENCE OF ANY CONDITION**  
44 **PRECEDENT; PROVIDING FOR AN ACCURATE AND LEGAL DESCRIPTION OF**  
45 **THE PROPERTY TO BE ACQUIRED; PROVIDING FOR A DETERMINATION OF**  
46 **THE ESTATE OR INTEREST WHICH IS TO BE ACQUIRED; PROVIDING FOR A**  
47 **DETERMINATION AND FINDING THAT THE ACQUISITION OF THE PROPERTY IS**

1 **NECESSARY FOR THE STATED PUBLIC PURPOSE; PROVIDING AN EFFECTIVE**  
2 **DATE.**

3  
4 **Motion carried with members voting as follows: Commissioner Carmolingo, For;**  
5 **Commissioner Denizac, For; Commissioner Deyette, For; Commissioner Treusch, For; Vice**  
6 **Mayor McFall-Conte, For; and Mayor Mulder, For.**

7  
8 **9. OLD BUSINESS:** None.

9  
10 **10. NEW BUSINESS:**

11  
12 **A. Consideration of appointment of one (1) member to the William S. Harvey**  
13 **Scholarship Selection Committee (Mayor Mulder's appointment).**

14  
15 **Motion by Vice Mayor McFall-Conte, seconded by Commissioner Carmolingo to confirm**  
16 **the appointment of Christopher Alcantara to the William S. Harvey Scholarship Selection**  
17 **Committee for the remainder of a three (3) year term to expire on February 4, 2011.**

18  
19 **Motion carried with members voting as follows: Commissioner Carmolingo, For;**  
20 **Commissioner Denizac, For; Commissioner Deyette, For; Commissioner Treusch, For; Vice**  
21 **Mayor McFall-Conte, For; and Mayor Mulder, For.**

22  
23 **B. Request for an Exception to the \$25,000.00 Maximum Limit for Owner-Occupied**  
24 **Home Repair established in the City's Local Housing Assistance Plan (LHAP).**

25  
26 **Motion by Vice Mayor McFall-Conte, seconded by Commissioner Carmolingo to grant an**  
27 **exception to the City's LHAP to allocate additional monies for the repair of homes that are**  
28 **above the \$25,000.00 maximum limit for Owner-Occupied Home Repair.**

29  
30 **Motion carried with members voting as follows: Commissioner Carmolingo, For;**  
31 **Commissioner Denizac, For; Commissioner Deyette, For; Commissioner Treusch, For; Vice**  
32 **Mayor McFall-Conte, For; and Mayor Mulder, For.**

33  
34 **C. Request for approval to retain a Water Resource Attorney to assist in negotiating for or**  
35 **implementing a recovery and prevention strategy for the Blue Spring Minimum Flow and**  
36 **Level (MFL).**

37  
38 **Motion by Vice Mayor McFall-Conte, seconded by Commissioner Deyette to authorize the City**  
39 **Manager to enter into an Interlocal agreement with the City of Deland and the City of Orange**  
40 **City for the purpose of retaining Roger W. Sims, Esquire and his law firm, Holland & Knight,**  
41 **LLP, to assist with a recovery and prevention strategy to ensure a reliable and affordable**  
42 **potable water supply for the citizens of West Volusia.**

43  
44 **Motion carried with members voting as follows: Commissioner Carmolingo, For;**  
45 **Commissioner Denizac, For; Commissioner Deyette, For; Commissioner Treusch, For; Vice**  
46 **Mayor McFall-Conte, For; and Mayor Mulder, For.**

47

**D. Discussion concerning the Potential Relocation of the Florida Department of Children and Families (DCF) within the City of Deltona.**

**Motion by Commissioner Treusch, seconded by Vice Mayor McFall-Conte to adopt Resolution No. 2010-38, encouraging the Department of Children and Families (DCF) to maintain an office in the City of Deltona.**

Mayor Mulder stated this is important, the City is asking the Florida Department of Children and Families (DCF) to stay in Deltona so that the City's population is adequately served and frequently residents needing these types of services do not have transportation to another city.

**Motion carried with members voting as follows: Commissioner Carmolingo, For; Commissioner Denizac, For; Commissioner Deyette, For; Commissioner Treusch, For; Vice Mayor McFall-Conte, For; and Mayor Mulder, For.**

**E. Discussion re: Senate Bill 550 (Requested by Commissioner Denizac).**

Commissioner Denizac stated a phone call to her early last week prompted her to look a little deeper into Senate Bill 550 and when she contacted staff they were not very familiar with the Bill. She stated in her opinion this Senate Bill, which has passed, has the potential to devastate the City and its residents. There are over 33,000 residents of which approximately 7,000 are hooked into the City's sewer system and the rest are hooked up to septic. The Bill has already passed and now it is a matter of the Health Department implementing the Bill. Residents will have to pay for the inspections to their septic tank which can be costly, if something is wrong the homeowner pays out of pocket to have whatever it is fixed and a drain field could cost between \$10,000 and \$15,000. The inspections are supposed to be done by a certified inspector and while doing her research she saw very little guidelines for these inspectors. If people do not act promptly to fix any issues they could face up to \$500 per day in fines and every time an inspector comes to the home the resident has to pay that inspector. Her concern is what if the resident does not have the money, some are on fixed incomes and some are elderly who simply do not have the money. There is talk about having grants available which are for people that are 133% below the Federal poverty level. Her research shows that the blame is being put on the septic tanks for contaminating bodies of water but, more harm is being done by putting fertilizer on lawns. She suggested passing an Ordinance against Senate Bill 550 and this would be a good opportunity to advocate for Senate Bill 550 to be repealed since the Volusia Delegation will meet on December 13<sup>th</sup> from 9:00 a.m. to 1:00 p.m. and the Legislature should be back in session early January. She stated this is a cause worth fighting for, it is not the time to implement this Bill and more research should be done before it is fully implemented. The Senate Bill should be fully implemented by 2016 but, sections of it will start being implemented very soon.

Mayor Mulder suggested that the Commission give staff the opportunity to lay out what the options are whether it is to do a resolution or go to the delegation and he feels that there will be resistance because it has a lot to do with public health and ground water type contamination issues.

Commissioner Carmolingo stated this is a direct involvement of government into the lives of the people. He stated this sounds like something from pre-Russia and he is very excited and passionate about letting the Health Department know that the City of Deltona believes this Bill should not be implemented. He stated anything that can be done to stop this Bill from being implemented should



be done because this is an invasion of privacy.

Vice Mayor McFall-Conte suggested that staff look at the Bill more in depth and come back to the Commission with answers to how it will affect the City, if it is worth trying to repeal and to see if there is any support from other cities in Volusia County.

Commissioner Denizac asked if the City could pass a resolution and Mr. Cooney replied his initial thought was that the Commission adopts a resolution which would then be carried to the Delegation with the request that they look into having the Bill overturned. At the same time, staff could contact the League of Cities to find out what was going on as the Bill was being adopted, where the League of Cities stood on it and where cities are now.

Mayor Mulder recommended that the City Manager call all the other City Managers and begin to have discussions about it and work together to have more support.

Commissioner Deyette stated she agrees with everything that was said and she knows firsthand the costs involved with having a septic tank inspected and pumped.

Commissioner Carmolingo asked if someone could find out who the sponsor was for the Bill and Commissioner Denizac replied that she has that information and she suggested that everyone look up all the sponsors of the Bill from start to finish.

**After discussion, the Commission requested that the City Attorney provide what the Commission's options are to try and repeal Senate Bill 550 and to bring before the Commission a Resolution expressing the City's opposition to Senate Bill 550 at the November 15, 2010 Commission meeting.**

**F. Consideration of appointment of one member (1) to the Planning and Zoning Advisory Board (Commissioner Carmolingo's appointment).**

**Motion by Commissioner Carmolingo, seconded by Vice Mayor McFall-Conte to confirm the appointment of Heather Mulder (Commissioner Carmolingo's appointment) to the Planning and Zoning Advisory Board for the remainder of a term to expire March 15, 2011.**

**Motion carried with members voting as follows:**

Commissioner Carmolingo	For
Commissioner Denizac	For
Commissioner Deyette	For
Commissioner Treusch	For
Vice Mayor McFall-Conte	Abstain
Mayor Mulder	For

**11. CITY COMMISSION COMMENTS:**

- a) Commissioner Treusch stated he attended the Halloween Spooktacular Event and he met a family on Saturday night who came all the way from Kissimmee. He stated it was a great event that is

1 getting bigger and better every year and he thanked everyone involved.

2  
3 b) Commissioner Treusch thanked Mayor Mulder and Vice Mayor McFall-Conte for their service,  
4 everything they have done and he will miss them.

5  
6 c) Commissioner Treusch gave a brief update on Team Volusia. He stated on November 4<sup>th</sup>, 5<sup>th</sup> and  
7 6<sup>th</sup> interviews and tours will take place with the three (3) finalists and the CEO of Team Volusia  
8 will be selected on either November 10<sup>th</sup> or the 11<sup>th</sup>.

9  
10 d) Commissioner Treusch stated Veterans Day is right around the corner. If everyone has learned  
11 anything from the 20<sup>th</sup> Century it has taught us that the world will never be completely safe from  
12 democracy which is evident at airports and issues with flights. Freedom will always require  
13 vigilance and exact a high price from those who possess it and that price is the selfless service of  
14 the armed forces of the democratic societies. Because America's Veterans understand what it is  
15 to serve it is the Veterans that must help to reconnect Americans to the ideal of service. If our  
16 nation is to remain strong the core values of the military must become the core values of the  
17 American people, of our youth. He encouraged everyone this Veterans Day to visit Veteran's  
18 Memorial Park, tour the museum, say "Hi" to a Veteran and thank them for their service and he is  
19 sure everyone will be glad they did.

20  
21 e) Commissioner Denizac wished Mayor Mulder and Vice Mayor McFall-Conte the best in  
22 whatever they do from this point forward and she thanked them for their service.

23  
24 f) Commissioner Denizac stated staff and the Commission needs to be proactively checking things  
25 that are coming from the Federal and State level so that there are no surprises when things like  
26 Senate Bill 550 come about. The City may or may not have had a chance to influence the Bill  
27 but, it took a phone call for the Commission to have a discussion on it. She stated staff and the  
28 Commission need to be informed and she remembered when a big deal was made out of Senate  
29 Bill 360.

30  
31 g) Commissioner Carmolingo apologized to Parks and Recreation for not being able to attend the  
32 Monster Mash Dance but, he took a couple of days off to fly up to Philadelphia to see his mother  
33 who is 95 years old and he was disappointed with what he saw and he hoped that she stays with  
34 us.

35  
36 h) Commissioner Carmolingo stated he attended the Farmer's Market which he spends more and  
37 more money at every week. He stated he bought some glass cuttings and some other things. He  
38 stated he tries to support most of the merchants there because it is a good thing for the City of  
39 Deltona.

40  
41 i) Commissioner Carmolingo stated he attended the Spooktacular Event which was overwhelming  
42 and the City, staff and volunteers out did themselves, they are wonderful people and it is a  
43 pleasure to be associated with them.

44  
45 j) Commissioner Carmolingo stated he had a daughter who belonged to Junior Achievers which he  
46 does not hear about any more. He stated she received a partial scholarship to the University of  
47 Georgia where she was Vice President and he was fortunate enough to attend football games  
48 when Herschel Walker was the star running back. He stated he was a great football player, the

1 greatest he had ever seen on the field and he was a great man. He stated he received an email  
2 from a gun enthusiast regarding taking away the rights of gun owners in the United States and the  
3 song on the email was the Battle Hymn of the Republic which he does not hear any more but, at  
4 the Georgia games it could be at the beginning, the end or when there was a touchdown that song  
5 was played. He asked those who knew the song to think back on the words and remember what  
6 is in store for everyone.  
7

8 k) Commissioner Deyette stated it sounds like the City's Spooktacular fame is spreading and there  
9 really was a big crowd. She asked if anyone knew how many people were in attendance and Ms.  
10 Miller replied 3,000 to 4,000 on Friday night and 10,000 to 12,000 on Saturday night according to  
11 Captain Brannon. Commissioner Deyette thanked the Sheriff's deputies who did a great job and  
12 she did not hear of any incidents.  
13

14 l) Commissioner Deyette stated some of the City's senior citizens have received the check for the  
15 additional property tax exemption. She stated one citizen called her and said "Wow, it is real I  
16 got \$50 from the City of Deltona".  
17

18 m) Commissioner Deyette thanked Mayor Mulder and Vice Mayor McFall-Conte for their years of  
19 service and she asked Vice Mayor McFall-Conte to keep everyone updated on the babies.  
20

21 n) Commissioner Deyette stated at the last Volusia County Transportation Planning Organization  
22 (TPO) Meeting Federal funding in the amount of \$2,160,000 was allocated for a design build of a  
23 pedestrian overpass bridge over State Road 415 so the trail can continue as part of the east central  
24 rail trail; \$54,670 was allocated to enhance connectivity to the Debary Sunrail Trail Station so  
25 that it will be a smoother transition for people to be able to ride bicycles down to the train station;  
26 the widening of State Road 415 is on schedule; four (4) laning eight (8) miles from State Road 46  
27 to just north of Acorn Lake Road design has been completed, acquisition which is through fiscal  
28 year 2009/2010; construction of five (5) miles from Reed Ellis Road to north of Acorn Lake Road  
29 is funded in 2013/2014 at an estimated cost of \$38 million; and on Doyle Road an \$840,000 grant  
30 to Volusia County in fiscal year 2009/2010 is to pay for construction of paved shoulders and  
31 edge, center markings from Saxon to Courtland Blvds.  
32

33 o) Vice Mayor McFall-Conte stated she attended the Spooktacular Event early and even then she  
34 estimated there were 1,000 to 2,000 in attendance easy and she suggested that staff look into  
35 shuttle busses like the City does for the July 4<sup>th</sup> Event.  
36

37 p) Mayor Mulder stated he attended the Spooktacular Event and he had the privilege of being a  
38 judge for the costume contest which had nine (9) winners and at least 150 non-winners and he  
39 understood why it is not Commissioner Carmolingo's favorite thing to do. He stated there was  
40 great participation and it was obvious though not on the faces of staff and volunteers that  
41 everyone was under a great deal of stress because he does not think anyone anticipated how much  
42 this event would grow over last year. He stated he walked all around the park, he participated in  
43 what was going on and he did not hear any complaints other than the lines at the vendors and for  
44 the games were very long but, staff can prepare for that in the future. He stated he looks forward  
45 to attending the event next year, he appreciates everyone's hard work that went into the event and  
46 it is awesome for the residents to see staff in that kind of setting.  
47



1 **12. CITY ATTORNEY COMMENTS:**

2  
3 Mr. Cooney stated he will be presenting a Sunshine memo as the Commission reconstitutes itself  
4 and a presentation to refresh those Commissioners staying on as well as providing new  
5 information to those candidates who will be joining the Commission.

6  
7 Vice Mayor McFall-Conte suggested that Mr. Cooney make the candidates aware that once they  
8 win the election that they are obligated under the sunshine Laws and Mr. Cooney replied "not a  
9 problem".

10  
11 **13. CITY MANAGER COMMENTS:**

12  
13 Ms. Miller stated she appreciated everyone's comments regarding the Spooktacular Event because  
14 it was mainly her staff and all the volunteers that did all the work and she would like to say "thank  
15 you" again to all of them. As everyone knows the City Clerk's Office coordinates and oversees  
16 the full event, Deltona Water and Public Works does the pirate ship and spends a lot of time  
17 putting that together and Parks and Recreation does the haunted trails. There are some logistic  
18 issues, Captain Brannon drove her around the neighborhoods to see the parking issues and staff is  
19 looking at the shuttles for next year. Staff has a follow up meeting to critique the event and see  
20 what can be changed. Staff tries to market Friday night as a different type of event for the older  
21 kids and Saturday night for both but, there are still those that bring the younger kids on Friday  
22 night that are disappointed. The problem is trying to run the whole event two (2) nights in a row  
23 with volunteers is very difficult. She stated she appreciates all the work done by the volunteers,  
24 the Sheriff's Department, the Fire Department and all the employees from the different  
25 departments who participated.

26  
27 Ms. Miller stated the next big project that mainly Deltona Water and Public Works will be  
28 working on is building the float for the holiday parades for those Commissioners staying on who  
29 want to participate. The float will be in the Deltona Day Parade and maybe a couple of other cities  
30 like what was done last year.

31  
32 Ms. Miller stated Veterans Day activities planned for November 11<sup>th</sup> are a Veterans Day service at  
33 the Deltona Regional Library at 10:00 a.m., there is a commemorative ceremony at Veteran's  
34 Memorial Park near the Vietnam Wall at 1:00 p.m. and at 6:00 p.m. a prime rib dinner at a cost of  
35 \$10.00 with a General Patton lookalike affair.

36  
37 Commissioner Denizac asked that Ms. Miller email the Commission the dates and times of all the  
38 events.

39  
40 Former Mayor John Masiarczyk gave a brief description of the November 11<sup>th</sup> events.

1    **14.    ADJOURNMENT:**

2  
3    There being no further business, the meeting adjourned at 8:00 p.m.  
4

5  
6  
7  
8    **ATTEST:**

\_\_\_\_\_  
**John C. Masiarczyk, Sr., MAYOR**

9  
10  
11    \_\_\_\_\_  
12    **Joyce Kent, CITY CLERK**